JUDGE JURY DOCKET DEMAND FILING DATE DOCKET O R NUMBER DIST/OFFICE NUMBER DEM. YR. OTHER 23 MO. DAY YEAR NUMBER 76 0549-B 220 5 8509 10 29 76 1 0549 76 1085/4 **DEFENDANTS PLAINTIFFS** PATRICK B. BEVENUE, SR., ETHA UNITED STATES OF AMERICA MAE BEVENUE, TOM R. GILBERT, NELL M. GILBERT, and BILBO NEWMAN, INC.; and SAPULPA LUMBER COMPANY, INC. CAUSE 28 USC 1345 Suit on Proissory Note & Foreclosure of Real Estate Mortgage **ATTORNEYS** walkdaged Tom Lucas (Patrick B. Bevenue Sr.) Robert P. Santee 2-17-77 322 Security Bldg. Asst. U. S. Atty. -Sapulpa, OK 74066 224-4787 Lester D. Henderson (Tom R. & Nell Wilson, Henderson & Gilbert) (Sapulpa Lumber Filbeck P. O. Box 1346 74066 224-4 Sapulpa, Okla. Gordon D. McAllister, Jr. (Patrick B. Bevenue, and Etha mae Bevenue) 122 North Greenwood 74120 Tulsa, OK. (918) 582-9181 Charles R. Hogshead Pro Se Patrick B. Bevenue, Sr. Don K. Barnes (M/M Bevenue) Etha Mae Bevenue Patricia Whittaker Route 13, Box 515 Okla. Green Country Legal Aid 74107 Tulsa, OK Society 630 West 7th, Suite 500 George E. Brewer (Bevenues) Tulsa, OK 74127 312 Mayo Bldg. 812 Franklin Bldg. 918/584-3338 Tulsa, OK 74103 918=584-4748 STATISTICAL CARDS **FILING FEES PAID** CHECK C.D. NUMBER RECEIPT NUMBER DATE DATE MAILED CARD HERE IF CASE WAS 11-01-76 JS-5_ FILED IN 11-1-78 JS-6 FORMA **PAUPERIS**

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DATE 1976	NR.	PROCEEDINGS
10-29	1	Complaint, filed. Summons issued.k Summons, ret. & filed: served Tom R. Gilbert, Wagoner, Ok., & Nell M. Gilbert, Wagoner, Ok. on 11-9-76; served Patrick B. Bevenue, Sr. and Etha Mae Bevenue, Tulsa, Ok. on 11-2-76; unserved as to Bilbo Newman, Inc. (USM \$25.04)g
11-18	2.	Deft. Patrick B. Bevenue, Sr.'s appl. for time til 2-21-77 w/in which to plead or answer, filed.k
11-19	3	Order, filed, granting Deft. Patrick B. Bevenue, Sr., 90 days from 11-22-76, to plead or answer. (AEB-J)b cps mld
11-24	4.	Defts. Tom R. Gilbert and Nell M. Gilbert's answer and Cross-Complaint against the defts. Patrick B. Bevenue, Sr., and Etha Mae Bevenue, filed.s
11-24		USM service of cross-complaint, ret. & filed: served Patrick B. Bevenue, Sr. and Etha Mae Bevenue, Tulsa, Ok. 11-24-76. (USM \$8.88)g
12 - 8	5.	Defts. Patrick B. Bevenue, Sr., and Etha Mae Bevenue's answer to Cross Complaint of defts. Tom R. Gilbert and Nell M. Gilbert, filed.s
2-4	6.	Pltf's application to file amendment to complaint, filed.s 0 to J
2-7	7.	Order, filed, allowing pltf. to file an amendment to complaint. (AEB-J)k
2-9	8.	Pltf's amendment to complaint to add party, filed.s
2-15		Withdrawal of Tom Lucas as atty. for defts. Bevenue, filed.k
2-17	10.	Appl. of Tom Lucas to w/draw as atty. for defts. Bevenue, filed.k O to J
2-17	11	Order, fld. granting Tom Lucas to w/draw as atty. for deft's Bevenue (AEB-J) cps. mld. ho
2 - 18 2 - 23	12	Deft's appl. for ext of time to plead or answer. fld. O to J. ho Order, fld. granting Deft's Patrick Bevenue, Sr. and Etha Mae Bevenue, an ext. of time until 3-24-77 to file a plead or answer. (AEB-J) ho cps mld
3-7	14.	Answer of deft. Sapulpa Lumber Co., filed.k
3-24 4-7 4-15		Answer of Defts. Patrick and Etha Mae Bevenue, fld. v Ret. of USM service of summons & amend. to compl. fld. Served Patrick B. Bevenue, Sr. on 4-7-77 in Tulsa; served Etha Mae Bevenue by serving Patrick B. Bevenue on 4-7-77 in Tulsa; served Tom R. Gilbert on 2-16-77 in Wagoner, OK; served Nell M. Gilbert on 2-16-77 in Wagoner, OK; unserved Bilbo Newman, Inc.; served Sapulpa Lumber Co., Inc. by serving Steve Welter, President, on 3-3-77 in Sapulpa, OK. (USM \$17.82) h Pltf. mot. for service by publication pursuant to 28 USC 1655. fld.
5-2 12-6		O to J. ho Order for service by publication.(AEB-J) fld. ho Mot. to w/draw as atty. of record of Gordon D. McAllister, Jr. for Defts. Patrick & Etha Mae Bevenue. fld. ho O to J.
12-9 1978	19	Order, filed, allowing Gordon McAllister, Jr., to w/draw as counsel for defts. Bevenue, said atty. to forward a copy of this order to defts. by both certified & regular mail. Further, said defts. shall obtain new counsel who shall file his entry of appearance w/in 10 days, w/ service on pltf. counsel. (AEB-J)k cps mld to movant
1-4	20	Pltf. mot. for setting. fld. ho
1-4	MO	IT IS ORDERED that the mot. for setting and the non-jury trial are referred to Mag. Robt. Rizley pursuant to Order No. M-128 for findings & recommendations. (AEB-J)k

CIVIL DOCKET CONTINUATION SHEET

PAGE 3 of 2 Sheet: PAGE 3 of 2 Sheet: PAGE 3 o	PATE IN B. BEVENUE, ST., et all processions. PAGE 3 of 2 Sects for pre-trial before the Mag. on 1-19-78 at 10:45 a.m. (RSR-Mag)k ntc by KT 1-17 MO Case set for pre-trial before the Mag. on 1-19-78 at 4 P.M. ntc by mg (RSR-Mag)k ntc by KT 1-18 MO Pre-trial hrg. before Mag. on 1-27-78 at 4:00 p.m. is reset for 2:00 p.m. (RSR-Mag)k ntc by KT 1-27 Min Case called for pre-trial hrg. before Mag. Parties present and represented. Pltf. & defts. Gilbert & Sapulpa Lumber Co. granted leave to file mot. for S/J w/in 20 days. Pltf. to prepare pre-trial order w/in 20 days. (RSR-Mag)k Reporters transcript of mot. hrg. had on 1-27-78 before Mag., taken by Linda Walker, LSR. fld. ho 2-22 Pltf. brief in supp. of mot. for S/J w/affids of Donal Rogers. fld. Pltf. mot. for S/J, fld. ho 2-23 Motion for S/J of defts. Tom R. & Nell M. Gilbert & Sapulpa Lumber Co., filed.k 2-27 Z. Brief in support of mot. for S/J of defts. Gilbert & Sapulpa Lumber Co., filed.k 2-27 Bo Defts. Patrick & Etha Bevenue are granted 10 days to respond to the mot. for S/J. filed by defts. Gilbert & Sapulpa Lumber Co. filed.k 2-27 Bo Defts. Patrick Bevenue & Etha Bevenue mot. for ext. of time to respond to mot. for S/J. filed by defts. Gilbert & Sapulpa Lumber Co. filed.k 2-28 Defts. Patrick Bevenue & Etha Bevenue mot. for ext. of time to respond to mot. for S/J. filed by defts. Gilbert & Sapulpa Lumber Co. filed.k 2-29 Defts. M/M Bevenue & Etha Bevenue mot. for ext. of time to respond to mot. for S/J. filed by defts. Gilbert & Sapulpa Lumber Co. filed.k 2-29 Defts. M/M Bevenue & Etha Bevenue mot. for ext. of time to respond to mot. for S/J. filed by defts. Gilbert & Sapulpa Lumber Co., filed, the standard mot. for S/J. filed by defts. Gilbert & Sapulpa Lumber Co. filed.k 2-29 Defts. M/M Bevenue mot. to enlarge time to respond to mot. for S/J. filed by defts. Gilbert & Sapulpa Lumber Co. (AEB-J)k cospond to mot. for S/J. filed by defts. Gilbert & Sapulpa Lumber Co. (AEB-J)k cospond to mot. for S/J. filed by defts. Gilbert & Sapulpa Lumber Co. (AE	PLAINTIFF		DEFENDANT							
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2-27 24. Brief in support of mot. for S/J of defts. Gilbert & Sapulpa Lumber Co., filed.k Defts. Patrick & Etha Bevenue are granted 10 days to respond to the mot. for S/J filed by defts. Gilbert & Sapulpa Lumber Co. (AEB-J)k cps mld Defts. Patrick Bevenue & Etha Bevenue mot. for ext. of time to resp to mot. for S/J. fld. ho 0 to J. Entry of appearance of Don K. Barnes & Patricia Whittaker for Defts Patrick Bevenue & Etha Bevenue, fld. ho The Court has for consideration the mot. of defts. Bevenue for an ext. until 3-20-78 to respond to the mot. for S/J filed by defts. Gilbert & Sapulpa Lumber Co., & finds that said mot. should be granted. IT IS SO ORDERED. (AEB-J)k cps of orig order mld to movant Defts. M/M Bevenue mot. to enlarge time to respond to mot. for S/J. fld. ho 0 to J. Corder, filed, granting defts. Patrick & Etha Bevenue until 4-10-78 to respond to mot. for S/J of defts. Gilbert & Sapulpa Lumber Co. (AEB-J)k cps mld to movant Don K. Barnes & Patricia Whittaker, mot. to w/draw as attys. of record for M/M Bevenue, & appl. for ext. of time to respond to mot. for S/J, fld. ho 0 to J. Corder, filed, that Don Barnes and Patricia Whittaker are allowed to w/draw for defts. Bevenue, that all subsequent pleadings be served of the Clerk of Court, and that defts. secure new counsel and file a response to the mot. for S/J of defts. Gilbert & Sapulpa Lumber Co. w/ lo days. (AEB-J)k cps mld to movant MO: Case is set for disposition before Mag. Rizley on 5-26-78, at 9:30 A.M., for failure of defts' Bevenue to secure new counsel & file response to motion for S/J of defts. Gilbert & Sapulpa Lumber Co. W/ Lo days. (AEB-J)k cps mld to movant MO: Case is set for disposition before Mag. Rizley on 5-26-78, at 9:30 A.M., for failure of defts' Bevenue to secure new counsel & file response to motion for S/J of defts Gilbert & Sapulpa Lumber, due 4-21-78. (RSR-Mag) b nts mld	2-27 24. Brief in support of mot. for S/J of defts. Gilbert & Sapulpa Lumber Co., filed.k 2-27 MO Defts. Patrick & Etha Bevenue are granted 10 days to respond to the mot. for S/J filed by defts. Gilbert & Sapulpa Lumber Co. (AEB-J)k cps mld Defts. Patrick Bevenue & Etha Bevenue mot. for ext. of time to respond to mot. for S/J. fld. ho 0 to J. 2-28 Entry of appearance of Don K. Barnes & Patricia Whittaker for Defts Patrick Bevenue & Etha Bevenue, fld. ho 3-9 MO The Court has for consideration the mot. of defts. Bevenue for an ext. until 3-20-78 to respond to the mot. for S/J filed by defts. Gilbert & Sapulpa Lumber Co., & finds that said mot. should be granted. IT IS SO ORDERED. (AEB-J)k cps of orig order mld to movant Defts. M/M Bevenue mot. to enlarge time to respond to mot. for S/J. fld. ho 0 to J. 3-29 Corder, filed, granting defts. Patrick & Etha Bevenue until 4-10-78 to respond to mot. for S/J of defts. Gilbert & Sapulpa Lumber Co. (AEB-J)k cps mld to movant Don K. Barnes & Patricia Whittaker, mot. to w/draw as attys. of record for M/M Bevenue, & appl. for ext. of time to respond to mot. for S/J, fld. ho 0 to J. 4-11 Corder, filed, that Don Barnes and Patricia Whittaker are allowed to w/draw for defts. Bevenue, that all subsequent pleadings be served of the Clerk of Court, and that defts. secure new counsel and file a response to the mot. for S/J of defts. Gilbert & Sapulpa Lumber Co. w/ lo days. (AEB-J)k cps mld to movant MO: Case is set for disposition before Mag. Rizley on 5-26-78, at 9:30 A.M., for failure of defts' Bevenue to secure new counsel & file response to motion for S/J of defts Gilbert & Sapulpa Lumber, due 4-21-78. (RSR-Mag) b nts mld	2-27	23.	Motion for S/J of defts. Tom R. & Nell M. Gilbert & Sapulpa Lumber							
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S/J of defts Gilbert & Sapulpa Lumber, due 4-21-78.(RSR-Mag) b nts mld Affid. of George E. Brewer, with Atty. Lien Claimed, fld. ho	S/J of defts Gilbert & Sapulpa Lumber, due 4-21-78.(RSR-Mag) b nts mld S-22 31 Affid. of George E. Brewer, with Atty. Lien Claimed, fld. ho	5-3	MO:	lo days. (AEB-J)k cps mld to movant Case is set for disposition before Mag. Rizley on 5-26-78, at 9:30 A.M., for failure of defts' Bevenue to secure new counsel & file response to motion for							
		5-22	31	S/J of defts Gilbert & Sapulpa Lumber, due 4-21-78.(RSR-Mag) b nts mld Affid. of George E. Brewer, with Atty. Lien Claimed, fld. ho							

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT							
#ROJERNA REPORTED		DOCKET NO.							
		PAGE OF PAGES							
1978 1978	NR.	. PROCFEDINGS							
5-26		Case called for disposition for failure of defts' Bevenue to secure new counsel & file response to motion for S/J of defts Gilbert & Sapulpa Lumber. Govt. rep. by Carrasquillo. Deft. Bevenue rep. by G. Brewer. Deft. makes statement & requests Matter be passed to August. Mag. Recommends motion for S/J be sustained; passes matter for hearing atty fees on 6-19-78 before Mag. & to finalize amts due various lien holders.(RSR-Mag) b							
6-8	МО	Case set for hrg. before the Mag. on attys' fees & to finalize amts. due to vaious lien holders on 6-19-78 at 9:30 a.m. (RSR-Mag)k cps by K'							
6-19 7-3	MO 32	various lien holders on 6-19-78 at 9:30 a.m. is stricken pending filing of the judgment based upon settlement of the case by all parties. (RSR-Mag)k							
/ 3	32	Defts. Bevenue's cert. cps. of assignment of real estate mortgage & assignment of promissory note, mortgage of real estate and chose of action, fld. ho							
7-6	МО	Case set for disposition before the Mag. on 7-17-78 at 9:30 a.m. (RSR-Mag)k ntc by KT							
7-7	33	Pltf. appl. for order substituting parties, fld. ho 0 to Mag. by Atty.							
7-14	34	Defts. Patrick & Etha Mae Bevenue appl. for leave to substitute							
7-14	35	counsel, fld. ho Defts. Patrick & Etha Mae Bevenue appl. for leave to file supplemental pleadings, amended ans. & counterclaim, fld. ho 0 to J.							
7-14	36	Defts. Patrick & Etha Mae Bevenue mot. for continuance re: hrg. on mot. to settle journal entry on 7-17-78, fld. ho 0 to J.							
7-17		Defts Bevenues assignment of chose in action, account, note or contrace, re: Sapulpa Lumber Co., fld. ho							
7-17 7-20	38	Hearing passed to dispostion docket on 7-27-78, at 9:30 A.M.(RSR-Mag) b Defts. M/M Bevenue brief in supp. of appl. for leave to file supplements pleadings, amended ans. & counterclaim, w/affid. of Patrick B. Bevenue, Sr. & Etha Mae Bevenue, fld. ho							
7-20	МО	Case set for disposition before the Mag. on 7-27-78 at 2:00 p.m. (RSR-Mag)ho ntc. by KT							
7-24	39	Trustee George E. Brewer response brief, to Defts. Bevenue appl. for leave to file suppl. pleadings, w/atty. lein claimed. fld. ho							
7-27	Min	Case called for disposition before the Mag. Parties represented. Mag. recommends that pltf's appl. for Order substituting parties be overruled; appl. of defts. Bevenue to substitute counsel be sustained & overruled in parts; appl. of defts. Bevenue for leave to file supplemental pleadings, amended answers & counterclaims be denied. Mag. to prepare F&R. Pltf. to prepare proposed Journal Entry of Judgment consistent w/ recommendation of Mag. to sustain pltf's mot. for S/J filed 2-22-78 and defts. Gilbert & Sapulpa Lumber Co.'s mot. for S/J filed on 2-27-78. (RSR-Mag)k							
8-2	40	Findings & Recommendations of the Mag., filed. Mag. recommends that the mots. for S/J of pltf. & defts. Gilberts & Sapulpa Lumber Co. be sustained & that pltf's appl. to substitute parties and defts', Bevenues, appl. to file supplemental pldgs. be denied. Further recommended that the appl. for leave to substitute counsel for Bevenues be sustained.							

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8-14 8-14	41 MO	It is ordered that brief to Pltf. obj	Mag. F/R w/brief, floot the Defts. are grant (ection to Mag. F/R. (ed 10 days AEB-J)ho c,	'm
8-14	42	Defts' opposition of Magistrate, fld	and brief in oppos. to	findings	& recommendations
8-21	43	Trustee Brewer rep claimed. fld. ho	oly to objections to F	/R of Mag.	w/atty. lien
10-17	44.	defts. Bevenue is stituted for the p Sua sponte, this c prejudice. Further sustained as they	cered, that the mot. to sustained and George Soltf. and the defts. Because of action and conter, the objs. of the derelate to the denial	E. Brewer, ilberts & Smpl. are diefts. Bever	Trustee, is sub- Sapulpa Lumber Codismissed w/out nue to F&R are . to substitute.
		Further, the Court	makes no ruling on the sal having mooted the	ne other mo m. (AEB-J)	ots. and objection k cps mld
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